

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Haruko TERAI et al. Group Art Unit : Not Yet Assigned

Appl. No. : 10/541,544 (U.S. National Stage of PCT/JP03/017008)

I.A. Filed : December 26, 2003 Examiner : Not Yet Assigned

For : DISPLAY APPARATUS AND DISPLAY METHOD

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. §371 IN THE UNITED STATES DESIGNATED/ELECTED
OFFICE (DO/EO/US)**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir

On July 6, 2005, Applicants filed the above-captioned U.S. National Stage Application with the U.S. Patent and Trademark Office. The filing included a copy of the International Application as filed in Japanese (2 pages of Cover Sheet), along with an English language translation of the specification, which totaled 69 pages of specification, 12 claims and Abstract. In addition, Amended Sheets of Claims Under PCT Article 34, totaling 12 claims, were submitted.

On February 14, 2006, the U.S. Patent and Trademark Office mailed a Notification of Missing Requirements Under 35 U.S.C. §371 In The United States Designated/Elected Office (DO/EO/US), stating that a translation of the application into English must be provided, as the current translation of the application into English is defective because it does not correspond to the translation as originally filed in the International Bureau. A two month response

period was set, which runs to April 14, 2006, to submit the translation and pay the appropriate processing fee.

Applicants were confused as to why the submitted materials were found to be defective. Accordingly, on March 3, 2006, Applicants' U.S. counsel contacted Ms. Charitta A. Burt, who issued the above-noted Notification, to discuss this matter. Ms. Burt informed Applicants' U.S. counsel that the English language translation of the application that was submitted did not include a copy of the original claims, and that only a copy of the Article 34 claims were submitted.

Applicants U.S. counsel informed Ms. Burt that the submitted materials did include a copy of the English language application as filed with the International Bureau, that the application totaled 69 pages, which included the originally filed claims, and that the original claims were distinct from the Article 34 claims that were additionally submitted. Ms. Burt was unable to locate a copy of the originally filed claims in the electronic file wrapper for this application, and indicated that we should submit the missing originally filed English language claims along with an explanation. Ms. Burt indicated that it is not necessary to submit a copy of the whole application, but that we only need to submit a copy of the missing claims.

Accordingly, Applicants herewith submit a copy of original pages 59-68 that correspond to the originally filed English language specification as filed with the International Bureau, which contains original claims 1-12. Applicants also submit a copy of the date-stamped filing receipt that indicates that the English language translation of the application that was filed totaled 69 pages with the

Abstract and included 12 claims, of which 2 are independent claims. The date-stamped filing receipt additionally indicates that Amended Sheets of Claims Under PCT Article 34 were submitted.

Thus, Applicants submit that a copy of the originally filed claims as filed in the International Bureau and a copy of the claims as contained in an Article 34 amendment were submitted to the U.S. Receiving Office when the U.S. National Phase Application was filed. Accordingly, Applicants respectfully request that the Notification of Missing Requirements be withdrawn, and the application be processed for examination.

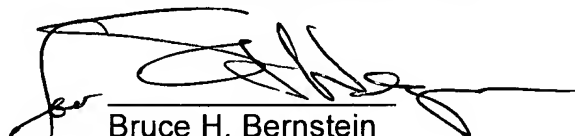
Applicants further note that the Cover Letter Submitting Amended Pages Of Application (which is contained in the electronic file wrapper) indicates "... Applicants respectfully request examination on the merits of the application containing amended pages 59-68 of claims 1-12, in place of originally filed claims 1-12 appearing on pages 59-68 of the attached English translation of [the] International Application ... (emphasis added). Thus, Applicants submit that additional evidence exists that two sets of claims (i.e., originally filed claims 1-12 and amended claims 1-12) were submitted in the filing of the U.S. National Stage application by Applicants, and that the U.S. Patent and Trademark Office is responsible for the loss of the copy of claims 1-12 as originally filed.

Applicants submit that it is not necessary to pay the \$130.00 processing fee indicated in the Notification, as the error noted in the Notification was due to the U.S. Patent and Trademark Office. However, should it be determined that a

fee is required to be paid, the Commissioner is authorized to charge Deposit Account No. 19-0089 the appropriate fee.

Should there be any questions, please contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Hideaki KAWAMURA et al.



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March 8, 2006
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Enclosure:

Pages 59-68 (claims 1-12) of application as originally filed (copy)
Date-stamped Filing Receipt (copy)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,544	Haruko Terai	P28130

RECEIVED

52123
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FEB 17 2006

GREENBLUM & BERNSTEIN PLC

INTERNATIONAL APPLICATION NO.

PCT/JP03/17008

I.A. FILING DATE

12/26/2003

PRIORITY DATE

01/05/2003

CONFIRMATION NO. 8939**371 FORMALITIES LETTER**

OC000000018040013

Date Mailed: 02/14/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/06/2005
- Copy of the International Search Report filed on 07/06/2005
- Copy of IPE Report filed on 07/06/2005
- Preliminary Amendments filed on 07/06/2005
- Information Disclosure Statements filed on 10/14/2005
- Oath or Declaration filed on 10/14/2005
- Request for Immediate Examination filed on 07/06/2005
- U.S. Basic National Fees filed on 07/06/2005
- Priority Documents filed on 07/06/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The specification must be translated as originally filed in the international bureau.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,544	PCT/JP03/17008	P28130

FORM PCT/DO/EO/905 (371 Formalities Notice)